

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
SEATTLE, WASHINGTON

EXPEDITED ENFORCEMENT
COMPLIANCE ORDER AND SETTLEMENT AGREEMENT

PART I: COMPLIANCE ORDER

PART II: SETTLEMENT AGREEMENT

Compliance Order No. **05601**

On 10/13/09 Time 11:59
(date of violation) (a.m. or p.m.)

At Sn. Hys Conoco

102 E Toppenish Ave
(Name of facility)

Toppenish, WA 98548
(Address of facility)

Name of Owner, Operator or On-site Representative Sue Smith

(circle one) Owner Address 315 E. Wine Country Rd

Grandview, WA 98930

State ID or Facility License/permit Number 4260087

An authorized representative of the United States Environmental Protection Agency (EPA) inspected this facility to determine compliance with underground storage tank regulations promulgated under Subtitle I of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6912 et seq.) During this inspection, the following violations of underground storage tank regulations were found, with corresponding penalty amounts.

1. 40 CFR 280.70(a) Penalty \$ 300

Nature of Violation Failure to perform release detection on

2. 40 CFR _____ Penalty \$ trap closed tank

Nature of Violation _____

3. 40 CFR _____ Penalty \$ _____

Nature of Violation _____

4. 40 CFR _____ Penalty \$ _____

Nature of Violation _____

5. 40 CFR _____ Penalty \$ _____

Nature of Violation _____

The owner or operator of the above facility is hereby ordered to correct the violations and pay the penalties described above.

This Compliance Order is not an adjudicatory proceeding under 40 CFR Part 22, the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, but is issued solely with reference to Settlement Agreement in Part II of this form. If the Settlement Agreement in Part II is not returned in correct form by the owner or operator within 30 days of the date of the signature below by the Authorized Representative of EPA, this Compliance Order is hereby withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the above or any other violations.

I have personally observed the above violations and find the owner or operator in violation of the above-referenced underground storage tank regulations.

(Signature of Authorized Representative of EPA) [Signature] Date: 10/13/09

I hereby acknowledge receipt of this Compliance Order and Settlement Agreement.

Susan K. Smith Date: 10/13/09

(Signature of Owner, Operator or On-site Representative)

The United States Environmental Protection Agency (EPA) offers this Settlement Agreement under its expedited enforcement procedures in order to settle the violations found in the Compliance Order in Part I of this form subject to the following terms and conditions:

The Owner or Operator signing below certifies, under civil and criminal penalties for making a false submission to the United States Government, that Owner or Operator has corrected the violation(s) and enclosed a certified check for \$ 300 in payment of the full penalty amount, as described in the Compliance Order.

Upon EPA final approval of this Settlement Agreement, EPA will take no further action against the Owner or Operator for the violations described in the Compliance Order. EPA does not waive any enforcement action by EPA, the state where the facility is located or any local agencies for any other past, present or future violations under any other statute not described in the Compliance Order.

Also, upon EPA final approval of this Settlement Agreement, the Owner or Operator waives the opportunity for a public hearing pursuant to Section 9006 of the Resource Conservation and Recovery Act.

This Settlement Agreement is binding on the EPA and the Owner or Operator signing below.

The Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice.

This Settlement Agreement is effective upon EPA's final approval below. Upon final approval, EPA shall mail a copy of the approved Settlement Agreement to the Owner or Operator signing below.

Final approval of the Settlement Agreement is in the sole discretion of the Regional Administrator, Region 10, EPA, or authorized delegate.

SIGNATURE BY OWNER OR OPERATOR:

Name (print) Susan K. Smith

Title (print) Compliance Mgr, R.10. Smith

Signature Susan K. Smith Date: 11-9-09

FINAL APPROVAL BY EPA:

Name (print) Philip Penninger

Title (print) UST Inspector

Signature [Signature] Date: 10/2/09

→ Either continue monthly release detection or remove fuel to less than 1% in each tank. Send evidence to EPA